

Adjournment.

On motion of Senator Murphy the Senate, at 4 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, Jan. 22, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Witt.
Murphy.	Wood.
Parnell.	Woodward.

Absent—Excused.

Bailey.	Wirtz.
Lewis.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Davis.

Petitions and Memorials.

The Chair, Lieutenant Governor Miller, had read a memorial from officers of the Farm Labor Union at Bonham, relative to the proposed tax on gasoline for highway building purposes, as well as a uniform tax on automobiles.

Excused.

On motion of Senator Holbrook, Senator Wirtz was excused for today on account of important business.

State Railroad Managers Committee Report Adopted.

Senator Fairchild moved to adopt the report of the managers of the State Railroad, which report was filed with the Senate on January 16

and printed in the Journal of that date, the same being the fourth day.

The motion to adopt the report prevailed.

See Appendix for Committee Reports, made today.

Bills and Resolutions.

By Senator Davis:

S. B. No. 101, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Parnell:

S. B. No. 102, A bill to be entitled "An Act regulating the manufacture and sale of ice; prohibiting the use of any impure water or any injurious chemicals or other injurious or impure ingredients in the manufacture of ice, and prohibiting discrimination in the sale of the same; providing for inspection by the State Health Department; requiring a license for its manufacture and sale; providing a penalty; and creating an emergency."

Read first time and referred to Committee on Public Health.

By Senator Holbrook:

S. B. No. 103, A bill to be entitled "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council or commission of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every person between the ages of twenty-one and sixty years, resident within such city or town on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf or dumb, or those who have lost one hand or foot, excepted), and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Fairchild:

S. B. No. 104, A bill to be entitled "An Act amending Article 650b of the Revised Statutes of Texas of 1895, as enacted by the Thirtieth Legislature, Acts 1907, page 294, being Subdivision 73, Article 1121, of

Title 25 of Revised Statutes of Texas of 1911, as amended by the Thirty-third Legislature, Acts 1913, page 352, so as to provide that private corporations may be created for, or, after being created, may so amend their charters, as to include two or more of the following purposes, namely: the supply of water to the public for irrigation, power, municipal or domestic purposes; the manufacture of and supply of ice, to the public; the generation of and supply of gas, electric light and motor power to the public; the manufacture, supply and sale of carbonated water to the public; the operation of cottonseed oil mills, and the operation of cotton compresses, and removing the restrictions as to the amount of capital stock of such corporations, imposed thereby; provided, that corporations including more than one of the purposes named in this Article shall pay the franchise tax provided by law for each of the purposes so included in their said charters, or amendments thereto."

Read first time and referred to Committee on Public Health.

By Senator Stuart:

S. B. No. 105, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions, or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Price and Woodward:

S. B. No. 106, A bill to be entitled "An Act regulating the manufacture, distribution, sale, prescription and furnishing of intoxicating liquor in this State; regulating the handling and traffic in intoxicating liquor for medicinal purposes; regulating prescriptions of intoxicating liquor by physicians and the sale or furnishing of intoxicating liquor by druggist, pharmacists and drug stores; prescrib-

ing the necessary regulations, requirements and penalties to carry out such purpose; providing for the keeping of the necessary information and records and the filing of same with public officers and agents to facilitate the enforcement of the liquor laws; amending Chapter 78, General Laws, Second Called Session of the Thirty-sixth Legislature, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Concurrent Resolution Signed.

The Chair, Lieutenant Governor Miller, signed, in the presence of the Senate, after its Caption had been read, S. C. R. No. 10.

Simple Resolution No. 16.

By Senator Price:

Whereas, Her Excellency, Mrs. Miriam A. Ferguson, has been by the people of Texas elected to the office of Governor of said State; and

Whereas, In her campaign before the people, the said Mrs. Miriam A. Ferguson declared that her main purpose in aspiring for said office was to have removed the judgment heretofore rendered by the Senate of Texas against her husband, James E. Ferguson, a former governor, removing him from office and disqualifying him from holding any office of honor, trust or profit under this State; and

Whereas, The opinion has been expressed that the election of Mrs. Ferguson determines that it is the desire of the people of Texas to restore to James E. Ferguson, Ex-Governor, the full political rights enjoyed by him prior to his impeachment and conviction; therefore be it

Resolved, By the Senate of Texas that the President of the Senate be, and he is hereby empowered and requested to appoint a committee of five members of the Senate whose duty it shall be to investigate and report back to the Senate the means or method of procedure whereby the political rights of said James E. Ferguson may be restored to him in keeping with law and the Constitution; and be it further

Resolved, That such committee shall during its deliberations invoke the advice and counsel of the Attorney General and of other persons learned in the law and Constitution of this State.

The above resolution was read, and of Senator Price moved that the same be considered on Wednesday morning,

at the same hour that a like resolution by Senator Hardin of Kaufman had been set for consideration.

The motion was adopted.

Morning call concluded.

Senator Fairchild moved that the Senate stand at ease until 11:30 o'clock.

The motion was adopted.

At 11:30 o'clock a. m. the Senate was called to order by Lieutenant Governor Miller.

A committee report from the Committee on Civil Jurisprudence was received.

Adjournment.

On motion of Senator Murphy the Senate, at 11:35 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 84, A bill to be entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas."

Beg leave to report the same back to the Senate with the recommendation that it do pass with the following amendment, and be not printed in bill form.

Section 25. The fact that the great length of this Act renders it impossible to read the same in any one day or in any three consecutive days, together with the fact that Section 43 of Article 3 of the Constitution of this State provides that in Acts of this character Sections 35 and 36 of said Constitution shall not apply, renders it necessary that the constitutional rule requiring bills to be read on three separate days be and the same is hereby suspended. The great public importance of this Act and the necessity that it go into effect immediately upon its adoption so that amendments that may be passed by the present Legislature may refer to the articles of this Revised Statutes as contained in this Act, and thus avoid confusion creates an emergency and a public necessity that this Act go into effect imme-

diately, and it is so enacted, and as thus amended that the same do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 101, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency."

Beg leave to report that the same has been investigated, and I am directed to report it back with the recommendation that it do pass.

DAVIS, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 77.

Have had same under consideration, and we desire to report the same back to the Senate with the recommendation that it do pass.

STUART, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 50, A bill to be entitled "An Act validating Common School District No. 27 of Gaines County, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 32, a bill to be entitled "An Act creating the Lasara Independent School District in Willacy County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 49, a bill to be entitled "An Act validating Common School District No. 26 of Gaines County, Texas, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district; and declaring an emergency."

Have had the same under consideration and am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 48, a bill to be entitled "An Act validating Common School District No. 11 of Gaines County and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district; and declaring an emergency."

Have had the same under consideration, and beg to report same back to the Senate with recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 80, a bill to be entitled "An Act validating the proceedings

of the county school trustees of Jim Wells County, Texas, in changing the boundaries of Alice Independent School District in said county and validating all proceedings had with respect to levying a tax of \$1.00 upon the \$100.00 valuation of all the taxable property in said school district and validating all proceedings had with reference to the issuance of \$75,000.00 of school building bonds and authorizing their issuance and repealing all laws in conflict and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred S. B. No. 42, a bill to be entitled "An Act creating and incorporating Common School District No. 16, of Jefferson County, Texas; defining and determining the boundaries of said school district; prescribing the manner of changing and modifying the boundaries of said school district; conferring upon said school district, except as otherwise provided in this Act, all the rights, powers, privileges and duties as are conferred and imposed by the General Laws of this State upon common school districts; providing for a board of district trustees and prescribing the qualifications for members thereof continuing in office the district trustees of the previously existing common school district until the expiration of their respective terms of office and until their successors are elected and qualified under the General Laws of this State; vesting the board of district trustees, except as otherwise provided in this Act, with all the rights, powers, privileges and duties that are conferred and imposed by the General Laws of this State upon district trustees of common school districts; vesting the management and control of the public free schools in said school district in a board of district trustees consisting of three members; providing that the board of district trustees shall be a body

politic and corporate in law, may contract and be contracted with, may sue and be sued, may plead and be impleaded, may receive any gift, grant, donation or devise for the use and benefit of the public free schools in said school district; vesting said school district, its board of district trustees and their successors in office, with absolute title to all property and school funds heretofore vested in and belonging to the previously existing common school district; validating all maintenance taxes heretofore voted and levied in said previously existing common school district and continuing the same in full force and effect until modified as provided in this Act; validating all bonds issued and all bond taxes levied for and on behalf of said previously existing common school district; authorizing the issuance of bonds and limiting the rate of maintenance tax and the rate of bond tax that may be voted, levied, assessed and collected in said school district; prescribing the purposes for which maintenance taxes and bond taxes are authorized by this Act and the disposition of the funds derived from said taxes; providing that this Act shall not impair or invalidate any bonds, contracts, obligations and debts of the previously existing common school district; providing that all the bonds, contracts, obligations and debts of said previously existing common school district shall constitute valid and binding obligations upon said school district as created by this Act; providing that said school district shall assume, pay off and discharge all bonds, contracts, obligations and debts of said previously existing common school district; providing that this Act shall, except as herein otherwise provided, be cumulative of all General Laws of this State applicable to common school districts, and that in case of conflict the provisions of this Act will control; repealing all laws and parts of laws in so far as they are or may be in conflict with this Act; providing that in case any clause, section or sections of this Act shall be held by the courts to be ineffective or unconstitutional, such decision by the courts shall not affect or invalidate the remaining sections and provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act validating Common School District No. 25, of Gaines County, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County, in respect to said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room.

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 34, A bill to be entitled "An Act creating and incorporating Acuff Independent School District in Lubbock County, Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 65, A bill to be entitled "An Act creating and incorporating French Independent School District in Jefferson County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, January 21, 1925.
Hon. Barry Miller, President of the Senate.

Sir, We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 79, A bill to be entitled "An Act to amend Article 1152 of the Penal Code of the State of Texas, 1911, relating to the punishment of the offense of libel, by providing that the punishment shall be imprisonment in the State Penitentiary for a period of time not less than two years nor more than four years."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 21, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 30, A bill to be entitled "An Act providing that all trial courts in this State before being authorized and empowered to impose any punishment or fine against another party for any alleged constructive contempt of said courts covering any alleged acts, or conduct of said party, arising outside of and not in the presence of said courts, shall submit the issues of fact involved in such alleged constructive contempt to a jury of said courts as in civil cases, and the findings of said jury shall adjudge the party guilty of contempt as alleged, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 21, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to amend Article 1352 of the Penal Code of the State of Texas, 1911, by providing the punishment for the offense of an attempt to commit theft from the person to be not more than

six months in the county jail and not more than three years in the penitentiary."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 21, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 13, A bill to be entitled "An Act to amend Article 1311 of the Penal Code of the State of Texas, 1911, relating to the punishment of the offense of burglary, by providing that the punishment shall be imprisonment in the county jail not more than twelve months or by imprisonment in the State Penitentiary for a period of time not less than one year or more than twelve years.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 21, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 11, A bill to be entitled "An Act to amend Article 1350 of the Penal Code of the State of Texas, 1911, by providing that the punishment for the crime of theft from the person shall be by confinement in the county jail not more than twelve months or by confinement in the penitentiary for a period of not less than one year or more than seven years."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 21, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 10, A bill to be entitled

"An Act providing for the suspension of the sentence in convictions for misdemeanors and providing for the procedure therein."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, January 21, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 29, A bill to be entitled "An Act to permit applicants for writ of habeas corpus in criminal cases, when the relief prayed for is denied by the judge of the court to whom the application is made and who prosecutes an appeal from the order of said judge or court to the Court of Criminal Appeals to be released on bail pending the appeal in all save capital cases, the amount of bail to be fixed by the judge trying the case and the order entered upon the minutes of the court, the bail bond to be executed and approved, under the same provisions of law which govern the bail on appeal in criminal cases after verdict of conviction as provided for by the existing law, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amend the caption of the bill by striking out the words "and declaring an emergency," and changing the semicolon after law to a "period."

Amend the bill by striking out all of Section 2 thereof.

WARD, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 56,

Have had the same under consideration at a session of the Commit-

tee, and I am instructed to report it back to the Senate with the recommendation that it do not pass; but recommend in lieu thereof the Committee Substitute Bill, hereto attached, with the recommendation that said Committee Substitute Bill do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have carefully examined and compared

S. B. No. 7, and find the same correctly engrossed

STRONG,
Chairman Engrossing Committee.

TENTH DAY.

Senate Chamber,

Austin, Texas.

Friday, January 23, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Fairchild. Witt.

Absent—Excused.

Bailey. Lewis.
Bledsoe.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

See appendix for standing committee reports.

The Chair here announced the addition of Senator Pollard to Committee on Agricultural Affairs.